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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,927	02/27/2004	David Martyn Roessler	GP-302458	9539

7590 04/14/2005

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EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,927

Applicant(s)

ROESSLER, DAVID MARTYN

Examiner

Dennis H. Pedder

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caiati in view of Burnell-Jones or Rogers.

Caiati shows a sunroof panel and opening. The panel has decorative coverings in chapters 8 and 9 in the form of paint and film. Burnell-Jones teaches that commercially available sheets of PVC with phosphorescent material pigment were known prior to the invention of applicant and that luminous polymers were used in the automotive industry prior to the invention of applicant in association with paint surfaces. Burnell-Jones teaches a matrix in PVC. Rogers teaches a matrix of phosphorescent material in glass. As a result of these prior art teachings, and the common knowledge available to all of the difficulty of locating a vehicle in a crowded parking lot as well as the teaching of Caiati that it is desirable in the sunroof art to enhance the sunroof panel with decorative features, it would have been obvious to one of ordinary skill to provide in Caiati phosphorescent material as taught by any one of the above references as a decorative and/or visual aid to enhance identification and to provide the phosphorescent material in a phosphorescent matrix as taught by Jones or alternatively in view of Rogers in order to preserve the phosphorescent material from damage.

As to claims 16-18, these are deemed to be materials of common knowledge in the phosphor art. As applicant has not challenged this statement of judicial notice, it is made final.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caiati in view of any one of Wendt, 3M, Plaid so Beautiful or Burnell-Jones.

Caiati shows a sunroof panel and opening. The panel has decorative coverings in chapters 8 and 9 in the form of paint and film. Wendt teaches that it is known in the art of glass making to coat fireproof glasses with phosphorescent material as a visual aid. 3M teaches that it was known in the art of film application to use luminous film for safety and signage. Jones teaches that commercially available sheets of PVC with phosphorescent material were known prior to the invention of applicant and that luminous polymers were used in the automotive industry prior to the invention of applicant in association with paint surfaces. Plaid so Beautiful teaches that prior to the invention of applicant luminous decorative paint leading was known in the art of decorative glass. As a result of these prior art teachings, and the common knowledge available to all of the difficulty of locating a vehicle in a crowded parking lot, it would have been obvious to one of ordinary skill to provide in Caiati phosphorescent material as taught by any one of the above references as a decorative and/or visual aid to enhance identification. A panel of phosphorescent material in a vehicle sunroof is inherently exposed to the sun in use, an external light source. Such a panel inherently absorbs radiant energy to excite electrons in the phosphorescent material and emits visible light both into the vehicle both upon exposure and upon discontinuation of the light source.

As to claim 20, absorption of incident light energy into a phosphorescent coating or matrix inherently diffuses the energy and reduces heat load.

Response to Arguments

4. Applicant's arguments filed 3/23/2005 have been fully considered but they are not persuasive.

The argument that Burrell-Jones generally teaches the use of gel coats is traversed. See column 3, lines 9-12.

Applicant's argument that there is no reason given for the proposed combination of references is traversed. The reasons were fully set out previously and are set forth as well as in the current office action. Applicant is impinging, in the examiner's opinion, on the public domain in suggesting that he should be provided with a monopoly for the claims set forth in this application. Applicant's remark that there is no suggestion of a sunroof assembly as claimed is traversed. The use of phosphorescent matrices in glass or plastic was well known in the art prior to the invention of applicant as evidenced by the above documents. Applicant's reasoning leads to the illogical conclusion that the use of phosphorescent materials in any conceivable combination of references that is not listed in the literature should be granted patent status. This is not only self-serving, but absurd on its face.

Applicant may now appeal if desired.

Conclusion

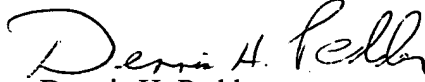
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dennis H. Pedder
Primary Examiner
Art Unit 3612

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DHP

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